

## Right to Information and Good Governance

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Lecture No. 11

Legislating the Right to Information: Background and Challenges – II

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**Political Landscape for Right to Information**

- National Emergency u/A 352: 1975
  - Imposed not for INDIA, but for INDIRA
- Lok Sabha Elections 1977 Janata Government:
  - Cradle to Grave
  - Election Manifesto
  - Reforms Suggested
  - Collapse of Janata Party
- 1989 Lok Sabha Election: Prime Minister V. P. Singh on legislating the RTI: National Front Government
- 1997, Conference Of Chief Ministers

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The outcome of the Lok Sabha elections of 1977 is pertinent to understand the true legacy of Indian democracy. The Congress who had by far been the party that had been winning every Lok Sabha election, had for the first time in 1977 lost the same. This failure for it to return back to power was majorly because of the atrocities that it had exposed to the people during the times of emergency. However, it is also pertinent to note that the failure of the Congress had given forth to the rise of a new political party called The Janata Party.

Now in reference to Janata Party, it is necessary to understand that it was not a large Party by itself, rather it was the formation of multiple smaller parties from regional states who came together to form the Union Government. Congress on the other hand also faced a major blow of defection when its erstwhile party members such as Mr. Jagjivan Ram, Mr. HN Bahuguna and certain others formed the Congress for democracy.

Further, the hardship that emergency and excesses including the 4 sterilizations and the restriction of civil liberty had been the major points that had been driven across by The Janata

Party in its campaigning. In addition to this, The Janata Party had also put across in its election manifesto the requirement of an open democracy. It had promised an open government allowing for freer, fairer dissemination of information unlike the Congress front.

With growing popularity among the people, The Janata Party and its allies were victorious, claiming over 330 seats in the entire 542 seats. Congress had been left lagging behind with about 154 seats. It is pertinent here that although it is seen that The Janata Party was victorious, although it promised for a free and open government better, it was able to implement the open government structure through a right to information.

Due credit goes to this government to have at least initiated the idea but however it was unsuccessful in implementing the particular strategy of an open and fair government by way of dissemination of right to information. It is to be noted that since The Janata Party was an integration of smaller regional parties, their party politics were more residual and were left to much smaller facets of governance rather than the bigger picture.

The foremost significant actions of The Janata Government was the dismantling of the authoritarian features of the emergence regime and restoration of the liberal democracy that was tainted by the forty second amendment that was passed during the emergency. Through the forty fourth constitutional amendment, it had rectified all those particular provisions that had distorted the constitution of India. The rights of the Supreme Court and various other High Courts to decide on the constitutional validity of the Central and State Legislations were also restored thereby restoring the trust and faith of the people in the Indian democracy.

On the electoral promise of an open government, The Janata Government had formed a working group to ascertain on The Official Secrets Act of 1923 as to whether it can be modified to allow for greater flow of information to the public. At this juncture, it is to be noted although a committee had been formulated; the ministries of Home Affairs, Finance and Defence which were working closing side by side with the working group had insisted that the Act of 1923 should be retained without a change.

This being the scenario, despite the constitution of the working committee, the position on The Official Secrets Act had been returned to square one.

